

COUNTY OF YORK

MEMORANDUM

DATE: November 22, 2004 (BOS Mtg. 12/21/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-650-04, William E. Rinehart

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached 768-square foot accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6. The accessory apartment is to be located in an existing two-story detached accessory garage.

DESCRIPTION

- Property Owner: William E. Rinehart
- Location: 202 Sonshine Way (Route 1025)
- Area: 1.12 acres
- Frontage: 242 feet on Sonshine Way
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: High Density Residential
- Zoning Classification: R13 – High Density Single-Family Residential District
- Existing Development: Single-family detached home with detached garage
- Surrounding Development:

North: Two single-family detached residential structures across Sonshine Way

East: Single-family detached residential structure

South & West: Common area and then several single-family detached residential structures in the Grand Oaks subdivision along Brightwood Terrace

- Proposed Development: Existing detached garage with accessory apartment in conjunction with a single-family detached dwelling

CONSIDERATIONS/CONCLUSIONS

1. Accessory apartments in detached structures are permitted in the R13 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet, or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 2,560 square feet of floor area. The proposed accessory apartment would be located on the second floor of an existing 1,536-square foot two-story detached garage. The applicant has indicated the apartment would be used for a game room. The proposed accessory apartment would contain approximately 768 square feet of habitable floor area, or approximately 30% of the principal dwelling, and would include a bar area, open living area, and bathroom (see attached sketch plan).
2. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
3. The property falls under the Environmental Management Area (EMA) overlay district with the entire lot being in the Resource Management Area. Any proposed development in these areas will require compliance with all requirements set forth within Section 24.1-372 of the Zoning Ordinance.
4. Property within the subdivision is not subject to homeowners' covenants nor does it fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on November 10, 2004 and, subsequent to conducting a public hearing at which only the applicant spoke, voted 5:0 (Harvell and Simasek absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that given the above-noted standards, the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application. This can be accomplished through the adoption of proposed Resolution No. R04-173.

Carter/3337: EWA

Attachments

- Excerpts from Planning Commission minutes, November 10, 2004
- Zoning Map
- Sketch Plan
- Floor plan of proposed apartment
- Proposed Resolution No. R04-173